

CITY OF ERIE

BUREAU OF POLICE



Right-To-Know Response

07 July 2020

Samuel Sinyangwe
97850-43092793@requests.muckrock.com

RE: Right-to-Know Law Request (OOR Tracking No. 2020-28)

Mr. Sinyangwe,

Thank you for writing to the City of Erie Bureau of Police with your request for records pursuant to Pennsylvania's Right-To-Know Law (RTKL), 65 P.S. §§ 67.101 *et seq.*

On July 06, 2020, I received your request for **1)** total number of use of force incidents, separated by year and type of force used, from 2016-2019; **2)** total number of civilian complaints alleging any form of law enforcement misconduct and the total number sustained, separated by year 2016-2019; **3)** total number of civilian complaints alleging law enforcement use of excessive force reported and the total number sustained from 2016-2019, separated by year; and **4)** total number of civilian complaints alleging biased policing or racial profiling that were reported and the total number sustained from 2016-2019, separated by year.

Your request is denied for the following reasons, as allowable by the RTKL:

1) Section 705: Creation of Record.

Any use of force by a police officer is required to be documented through initial and supplemental police incident reports. No aggregated data relating to use of force has been compiled nor organized in any format.

The majority of our police reports are stored electronically. We have never separated, organized, or categorized our police reports by incidents of police use of force, nor is "use of force" (or any similar) a searchable criteria. To comply with your request, we would be required to read and review any and all police

reports during the time period specified, and to create, compile, format and organize a record that does not currently exist.

2-4) **Section 708 (b)(16)(i)(ii)(vi)(A)** a record of an agency relating to or resulting in a criminal investigation, including complaints of potential criminal conduct other than a private criminal complaint; a record that would reveal the institution, progress or result of a criminal investigation, except the filing of criminal charges.
Section 708 (b)(17)(i)(ii) a record of an agency relating to a noncriminal investigation, including complaints submitted to an agency, and investigative reports.

You have a right to appeal this denial of information in writing to: Elizabeth A. Hirz, Right to Know Appeals Officer/Office of Open Records, Erie County Court House, 140 West 6th St, Erie PA 16501.

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response. See 65 P.S. § 67.1101. Please note that a copy of your original Right-to-Know request and this denial letter must be included when filing an appeal. More information about how to file an appeal under the Right-to-Know Law is available at the Office of Open Records website, <https://www.openrecords.pa.gov>.

If you have additional questions, please contact me. This correspondence will serve to close this record with our office as permitted by law.

Respectfully,

Sgt Stan J Tuznik
Open Records Officer
Erie Bureau of Police
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Erie PA 16501
stuznik@erie.pa.us
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